

REMARKS

Applicant respectfully requests consideration and allowance of the application. Claims 5, 6, 10-20, 25, and 26 were previously canceled. Claims 1-4, 7-9, 21-24, and 27-35 are pending, of which claims 1, 21, and 30 have been amended. Support for the amendments can be found in the specification at least at ¶¶'s [0032], [0038], [0039], and in Figs. 6-7.

Interview Summary

Applicant appreciates the Examiner's time for the telephone interview on May 13, 2011, and the efforts to clarify pending issues to advance prosecution of the application. Pending claim 1 was discussed with respect to the cited Herz and DeVries references, as well as other features that may be incorporated into the claims. Specifically, we discussed incorporating the features of tracking a frequency that the respective user device is in a particular location, and the one or more characteristics including the frequency. In the interest of advancing prosecution and without conceding the propriety of the rejection, the independent claims have been amended to include these features.

Examiner Davies considered that these features, if incorporated, would likely overcome the cited references. However, the Examiner reserved the right to further evaluate the references of record and/or conduct a further search for any additional references.

35 U.S.C. §103 Rejections

A. Claims 1-4, 7, 21-24, 27, and 30-34 are rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 7,630,986 to Herz *et al.* (*Office Action* p. 3). It is noted that in the comments directed to the rejection of dependent claim 4, the Office takes official notice to support the rejection (*Office Action*, p. 7).

B. Claims 8, 9, 28, 29, and 35 are rejected under 35 U.S.C. §103(a) for obviousness over Herz in view of U.S. Patent No. 6,968,179 to De Vries (*Office Action* p. 8).

Applicant respectfully traverses the rejection in light of the features discussed with the Examiner and the amendments to the claims. Additionally, Applicant makes no representation that cited references are prior art. This response and any remarks or comments included herein are not intended to be, and are not to be interpreted as, an admission that the cited references are prior art.

As discussed above, in the interest of advancing prosecution and without conceding the propriety of the rejection, the independent claims have been amended to incorporate features discussed with the Examiner. Applicant submits that Herz does not disclose, teach, or in any way suggest the subject matter of claim 1 as amended. Additionally, independent claims 21 and 30 have been amended in a manner that is consistent to the amendment entered for claim 1. Applicant submits, therefore, that claims 1, 21, and 30 are allowable over the references of record along with dependent claims 2-4, 7-9, 22-24, 27-29, and 31-35 that depend from respective claims 1, 21, or 30. Accordingly, Applicant requests that the 35 U.S.C. §103 rejections of the pending claims be withdrawn.

Also, the Office noted that claim 34 was listed before claim 33 in the previous response. Applicant submits that the claims are now listed in the proper order.

Claim 1 recites a method that includes, in part: ...

tracking a frequency that the respective user device is in a particular location where a user of the respective user device does not live in the particular location;

receiving a survey that is generated at a user device, the survey including an inquiry and selectable responses to the inquiry that are configured to be completed by recipients of the survey, *the selectable responses including a set of possible multiple choice answers to the inquiry that are generated at the user device;*

receiving, along with the survey from the user device, one or more selected characteristics that are attributable to users that are associated with the plurality of user devices, the one or more characteristics *including the frequency of the respective user device in the particular location and* being utilized as criteria to identify the recipients of the survey;

automatically selecting a group of user devices from the plurality of user devices based on *the status and operational mode of the user devices and* the users having the one or more selected characteristics and identified as the recipients of the survey, each of the users being associated with a respective user device in the selected group of user devices; ...

As discussed above, in the interest of advancing prosecution and without conceding the propriety of the rejection, independent claim 1 has been amended. Applicant submits that Herz does not teach or suggest the combination of features recited in claim 1, such as “*tracking a frequency that the respective user device is in a particular location where a user of the respective user device does not live in the particular location*” or “one or more characteristics *including the frequency of the respective user device in the particular location.*” As mentioned above, the Examiner

1 agreed that, pending further evaluation, the references of record do not teach or suggest at
2 least these features.

3 In addition, Herz does not teach or suggest “the *selectable responses* including a
4 set of *possible multiple choice answers* to the inquiry that are generated at the user
5 device,” as recited in claim 1. The cited portions of Herz merely describe that the
6 questions may include potentially predicted relevant questions about the present frame of
7 mind of the user, such as what the user’s present activities are (i.e., including work,
8 leisure, etc.) mood, present focus on what kind(s) of content, etc. (*Herz*, col. 183, lines
9 15-25). In addition, the cited portions of Herz further describe an example in which
10 Mr. B poses different relevant queries to Mr. A’s agent while determining whether he
11 could be interested in meeting (*Herz*, col. 183, lines 40-45). However, there is no
12 indication that the relevant queries in Herz would involve “a set of possible multiple
13 choice answers to the inquiry that are generated at the user device,” as recited in claim 1.
14 Rather, the relevant queries, as described in Herz, only include potentially predicted
15 relevant *questions*.
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17 Additionally, the Office relies upon Herz for describing using credentials to
18 determine which other users might be of interest, prior to inquiring of that other user
19 (*Herz*, col. 183, lines 15-25; col. 182, lines 1-30; and col. 179, lines 1-20). However,
20 these cited portions of Herz only describe the credentials as profession, awards, honors,
21 alma mater, e.g., Harvard graduate, doctorate degree, etc. (*Herz*, col. 179, lines 17-20).
22 In addition, col. 182 lines 1-20 of Herz merely describe determining what particular data
23 the user is most likely to disclose, such as the identity of the individual, the profile of the
24 individual, the time, location, inferred activities and content based attention focus.
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1 However, the cited portions of Herz do not teach or suggest “automatically selecting a
2 group of user devices from the plurality of user devices based on the status and
3 operational mode of the user devices and the users having the one or more selected
4 characteristics and identified as the recipients of the survey,” as recited in claim 1. There
5 is no indication in Herz that teaches or suggests that the credentials used to determine
6 which other users might be of interest would involve “the status and operational mode of
7 the user devices and the users having the one or more selected characteristics and
8 identified as the recipients of the survey,” as recited in claim 1.

9 For at least the reasons described above, Herz does not support a §103 rejection of
10 claim 1. Accordingly, the rejection of claim 1 along with dependent claims 2-4 and 7-9 is
11 requested to be withdrawn. In addition, to the extent that the features of claims 8 and 9
12 are further rejected in view of De Vries, Applicant submits that the claims are allowable
13 over the cited combination of references.

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15 **Claim 21** recites... a server device implemented to: ...

16 *track a frequency with which a user of the respective user device visits a*
17 *particular area by at least monitoring a frequency that the respective user*
18 *device is located in the particular area;*

19 receive a survey that is generated at a user device, the survey including an
20 inquiry and selectable responses to the inquiry that are configured to be completed
21 by recipients of the survey, *the selectable responses including a set of multiple*
22 *choice answers to the inquiry that are generated at the user device;*

23 receive, along with the survey from the user device, one or more selected
24 characteristics that are attributable to users that are associated with the plurality of
25 user devices, the one or more characteristics being utilized as criteria to identify
the recipients of the survey, *the one or more characteristics including the*
frequency that the respective user device is located in the particular area;

automatically select a group of user devices from the plurality of user
devices based on the users having the one or more selected characteristics and

1 identified as the recipients of the survey, each of the users being associated with a
2 respective user device in the selected group of user devices, *the group of user*
3 *devices including the respective user device based on the frequency that the*
4 *respective user device is located in the particular area; ...*

5 As described above in response to the rejection of claim 1, Herz does not teach or
6 suggest the combination of features recited in claim 21, such as “track a frequency with
7 which a user of the respective user device visits a particular area by at least monitoring a
8 frequency that the respective user device is located in the particular area”, “the one or
9 more characteristics including the frequency that the respective user device is located in
10 the particular area”, or “the group of user devices including the respective user device
11 based on the frequency that the respective user device is located in the particular area.”
12 In addition, Herz does not teach or suggest to “the survey including an inquiry and
13 selectable responses to the inquiry that are configured to be completed by recipients of
14 the survey, the selectable responses including a set of multiple choice answers to the
15 inquiry that are generated at the user device,” as recited in claim 21.

16 Accordingly, Herz does not support a §103 rejection of claim 21, and Applicant
17 requests that the §103 rejection be withdrawn. Additionally, dependent claims 22-24 and
18 27-29 are allowable as depending from claim 21, and the §103 rejection should be
19 withdrawn. Also, to the extent that the features of claims 28 and 29 are further rejected
20 in view of De Vries, Applicant submits that the claims are allowable over the cited
21 combination of references.

22 **Claim 30** recites a method that includes: ...

23 *displaying, at the user device, a user interface comprising at least a first*
24 *portion for generating an inquiry and a second portion for generating*
25 *selectable possible multiple choice answers to the inquiry;*

1 generating, at the user device, the survey that includes the inquiry and the
2 selectable *possible multiple choice answers* to the inquiry that are configured to
be completed by recipients of the survey;

3 communicating the survey and one or more selected characteristics to the
4 server device, the one or more characteristics being attributable to respective users
5 that are associated with a group of user devices and the one or more
6 characteristics being utilized as criteria to identify the recipients of the survey,
7 *one or more of the recipients of the survey being identified based at least in part*
8 *on a frequency of an associated user device being located at a particular*
9 *location if the one or more of the recipients do not live in the particular*
10 *location*, the survey being forwarded by the server device to the selected group of
11 user devices to be completed by a user at a respective user device in the selected
12 group of user devices, and survey responses to the inquiry being received by the
13 server device from one or more of the user devices in the selected group of user
14 devices; and ...

15 As described above in the response to the rejection of claim 1, Herz does not
16 teach or suggest the combination of features recited in claim 30, such as “one or more of
17 the recipients of the survey being identified based at least in part on a frequency of an
18 associated user device being located at a particular location if the one or more of the
19 recipients do not live in the particular location.”

20 In addition, Herz does not teach or suggest “displaying, at the user device, a user
21 interface comprising at least a first portion for generating an inquiry, and a second
22 portion for generating selectable possible multiple choice answers to the inquiry,” as
23 recited in claim 30. Rather, Herz merely describes displaying products, relevant adverts,
24 vendor services information, targeted advertisements, statistical information, nodes,
25 forums, or chats (*Herz*, col. 7, lines 8-11; col. 40, lines 32-33; col. 106, lines 58-60; col.
108, lines 3-4; col. 120, line 55; col. 132, line 56). However, none of the items displayed
in Herz are “a user interface comprising at least a first portion for generating an inquiry

1 and a second portion for generating selectable possible multiple choice answers to the
2 inquiry,” as recited in claim 30.

3 Herz also does not teach or suggest “generating, at the user device, the survey that
4 includes the inquiry *and the selectable possible multiple choice answers to the inquiry*
5 that are configured to be completed by recipients of the survey,” as recited in claim 30.
6 Instead, Herz merely describes potentially predicted relevant questions about the present
7 frame of mind of the user, and posing different relevant queries to Mr. A’s agent (*Herz*,
8 col. 183, lines 15-25, 40-45). Merely posing questions and queries posed to a user, as
9 described in Herz, is not “generating... the survey that includes the inquiry *and the*
10 *selectable possible multiple choice answers to the inquiry*,” as recited in claim 30.

11 Accordingly, Herz does not support a §103 rejection of claim 30, and Applicant
12 requests that the §103 rejection be withdrawn. Additionally, dependent claims 31-35 are
13 allowable as depending from claim 30, and the §103 rejection should be withdrawn.
14 Also, to the extent that claim 35 is further rejected in view of De Vries, Applicant
15 submits that claim 35 is allowable over the cited combination of references.
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Conclusion

Applicant submits that all objections and/or rejections of the pending claims 1-4, 7-9, 21-24, and 27-35 have been addressed, and respectfully requests issuance of the application. If any issues remain that preclude issuance of the application, the Examiner is requested to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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